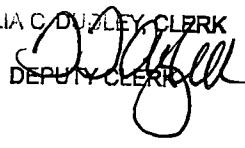


JAN 05 2017

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DWAYNE L. WILLIAMS,) CASE NO. 7:16CV00562
Petitioner,)
v.) MEMORANDUM OPINION
COMMONWEALTH OF VIRGINIA,) By: Hon. Glen E. Conrad
Respondent.) Chief United States District Judge

Dwayne L. Williams, a Virginia inmate proceeding pro se, submitted a "motion in brief and reply" to this court, alleging that his attorney in an unspecified Virginia trial court had a pending criminal charge for a drug offense, but did not so advise Williams. Because Williams appears to be challenging the validity of his confinement under a state court criminal judgment, the court construed and docketed his submission conditionally as a petition for a writ of habeas corpus under 28 U. S. C. § 2254. By order entered December 2, 2016, the court notified Williams of this construction as required, see Castro v. United States, 540 U.S. 375, 377 (2003), and of the requirement for him to submit an amended § 2254 petition, signed under penalty of perjury, if he intended for the court to address his claims under § 2254.

Specifically, the court directed Williams to submit to the court within 14 days either (1) his declaration, signed under penalty of perjury, stating that his objection to the court's intention to address his submissions as a § 2254 habeas petition or (2) a completed § 2254 petition form, signed under penalty of perjury, setting forth a statement of his claims for habeas relief. Williams has not submitted a § 2254 petition form as directed. Nor has he submitted any written objection to the court's order or the construction of his submission as a § 2254 petition.

Because Williams has thus failed to comply with the court's order, the court will summarily dismiss this action without prejudice. An appropriate order will enter this day.

The clerk will send petitioner a copy of this memorandum opinion and the accompanying order.

ENTER: This 5th day of January, 2017.



Chief United States District Judge